

### **REMARKS**

Claims 1-11, 13-20, and 38-40 are pending in this application. By this response, Applicant amends claims 38 and 39. As a result, claims 1-11, 13-20, and 38-40 are pending with claims 1, 38, and 39 being independent claims. No new matter is added.

#### **I. Interview**

Initially, Applicant's representative Walt Norfleet, thanks the Examiner for her courteously in conducting a telephone interview on July 12, 2007 and then again on July 17, 2007. During the interviews, the Examiner agreed that Egan (U.S. 5,417,700) does not show a cutter adapted to cut suture wire so as to free a wire loop suture from suture wire remaining in the instrument and bend each end of the wire loop suture around one of a first and second island, as recited by independent claim 1. Additionally, the Examiner agreed that independent claims 38 and 39 would be patentable over Egan if amended to recite that upon exiting a distal end of the instrument, a leading end of the suture wire initially moves away from all portions of the instrument and follows a curved trajectory to return to the distal end to form the wire loop suture. Applicant hereby amends independent claims 38 and 39 in a manner consistent with this discussion. Accordingly, each of independent claims 1, 38, and 39 are believed to be in condition for allowance. Comments made throughout the interview are summarized throughout the remarks herein.

#### **II. Independent Claim 1 is Patentable**

Claims 1-6, 8-11 and 13-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Egan. Claims 7, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Egan. Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Egan in view of Meade (U.S. 5,437,681).

As discussed above and agreed during the interview, Egan does not teach or disclose a cutter adapted to cut suture wire so as to free a wire loop suture from suture wire remaining in an instrument and bend each end of wire loop suture around one of a first island and a second island. Meade fails to satisfy the deficiencies of Egan. For at least this reason independent claim 1 and

claims 2-6, 8-11, and 13-18 depending therefrom are patentable over Egan. Accordingly, withdrawal of this rejection is respectfully requested.

### **III. Independent Claims 38 and 39 are Patentable**

Claims 38-40 stand rejected under 35 U.S.C. §102(b) over Egan.

Independent claims 38 and 39 are amended to recite that upon exiting a distal end of an instrument a leading end of the suture wire initially moves away from all portions of the instrument and follows a curve trajectory to return to the distal end to form the wire loop suture.

As agreed during the interview, claims 38 and 39 are patentable over Egan at least because Egan does not show suture wire that initially moves away from all portions of the instrument, as recited by claims 38 and 39. Claim 40, which depends from claim 39, is patentable over Egan for at least the same reason. Accordingly, withdraw of the rejection is respectfully requested.

### **IV. Terminal Disclaimers are Accepted**

Terminal Disclaimers over U.S. Application 10/352,600 and Patent No. 7,131,979, and 6,511,489 properly identify the latest assignee. As discussed with the Examiner and paralegal Jan Hurley, the document recorded on March 21, 2005 is a release of a security interest that was attained by a prior assignee. Each of the Terminal Disclaimers note the proper assignee of each of the patent/applications of concern. Paralegal Jan Hurely, upon investigating, agreed and noted that the use of the name make Walt was acceptable in this instance.

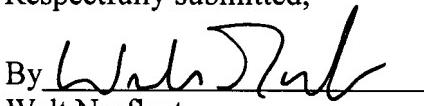
**CONCLUSION**

In view of the foregoing remarks, this Application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Response, that the application is not in condition for Allowance, the Examiner is requested to call the undersigned attorney or agent at the telephone number listed below.

If this response is not considered timely filed, and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an Extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: August 22, 2007

Respectfully submitted,

By 

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